

Goodard



**The Comptroller General  
of the United States**

Washington, D.C. 20548

# Decision

Matter of: Consolidated Bell, Inc.

File: B-227894

Date: September 23, 1987

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## DIGEST

Proposal was properly found technically unacceptable where proposal did not affirmatively demonstrate that offered keyboard met specification requirement of 101 keys and blanket statement of compliance does not override noncompliant technical data submitted with proposal.

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## DECISION

Consolidated Bell, Inc, (Bell), protests the exclusion of its proposal from the competitive range under request for proposals (RFP) SECHQ1-87-R-003, issued by the Securities and Exchange Commission (SEC) for 30 International Business Machines (IBM), XT or equal, desktop workstations with options for an additional 80.

The protest is denied.

One reason Bell's proposal was excluded from the competitive range was because the SEC found that its proposal did not address any keyboard specifications and the proposal Bell submitted showed that Bell was not offering a keyboard meeting the specifications. The SEC found that a revision of Bell's proposal would be tantamount to the submission of a new proposal.

Bell maintains that the literature it submitted along with its offer serves as proof that it met the mandatory specifications of the solicitation.

Paragraph C.3.9 of the RFP's general mandatory specifications states that:

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## "KEYBOARD SPECIFICATIONS

The keyboard must be detachable and identical in layout and key placement with identical functionality (scan codes produced) to the 'IBM enhanced keyboard. . . . ' This includes 101 keys consisting of the standard QWERTY typing keys, 12 function keys, a separate numeric keypad, separate censor control keyboard. . . ."

The SEC contends that, despite the fact that paragraph L.5.2 of the RFP required each offeror to demonstrate its ability to comply with each requirement and explain how such compliance would be achieved, Bell merely stated in a cover letter to its proposal that it "meets all mandatory specifications in Section C, Section M, Section F and Section H." The SEC found this insufficient in view of the caution in paragraph L.5.2 that "Statements of the form, the offeror understands, ' [or]' the offeror will comply' and statements that paraphrase the specifications are inadequate."

Bell's literature for its offered Microstar workstation described the keyboard solely as being an "Enhanced AT Style Keyboard," without further details. The photograph of the keyboard on the literature shows that the keyboard does not have 101 keys. Bell states that Microstar, for patent/copyright reasons, could not describe its keyboard as an IBM enhanced keyboard so it chose to describe it as an enhanced AT Style Keyboard. Bell's argument appears to be that the SEC should have known that the Microstar keyboard was equivalent to the IBM.

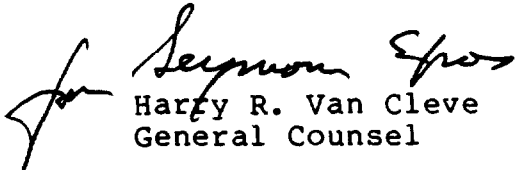
In negotiated procurements, any proposal that fails to conform to the material terms and conditions of the solicitation should be considered unacceptable and not form the basis for award. Ridge, Inc., 65 Comp. Gen. 663 (1986), 86-1 C.P.D. ¶ 583. Further, a blanket offer of compliance is not sufficient to comply with a solicitation requirement for the submission of detailed technical information which an agency deems necessary for evaluation purposes. AEG Aktiengesellschaft, 65 Comp. Gen. 418, (1986) 86-1 C.P.D. ¶ 267.

The written description of the keyboard Bell was offering did not specifically identify it as an IBM enhanced keyboard with 101 keys and the photograph of the keyboard provided with the brochure clearly shows it was not the same as an IBM enhanced keyboard with 101 keys. Bell's blanket statement does not meet the requirements of the RFP or our prior decisions. Bell argues that a photograph on the brochure showing the keyboard with less than 101 keys should not

govern since the state of the art computer technology is always changing and it would not be reasonable to expect a technically exact photograph. However, Bell's proposal did not clearly show that it was offering a product that met the RFP requirements.

Since the failure to meet the keyboard requirement made Bell's offer unacceptable, we need not discuss the other reasons SEC had for rejecting Bell's offer.

The protest is denied.

  
Harry R. Van Cleve  
General Counsel